



LETO/SB/64 (11-03)  
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Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	Docket Number (Optional) WLI 1012 PUS
--	--

First named inventor: David Morrow, et al.

Application No.: 09/837,826                      Art Unit: 3711

Filed: April 18, 2001                      Examiner:

Title: LACROSSE GOALIE STICK HEAD

# RECEIVED

## MAR 24 2004

### OFFICE OF PETITIONS

Attention: Office of Petitions  
 Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 FAX: (703) 872-9306

**NOTE:** If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

**NOTE:** A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,330.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify type of reply):

☐ has been filed previously on \_\_\_\_\_.

☐ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_.

☐ has been paid previously on \_\_\_\_\_.

☐ is enclosed herewith.

DATE: 07/07/2004 BY: AKELLEY  
 FILED: 00000129 500476 09837826

Adjustment date: 07/07/2004 AKELLEY is enclosed here  
03/23/2004 CHNGUYEN 00000129 500476 09837826  
01 FC:1453 1330.00 CR

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

03/23/2004 CNGUYEN 00000129 500476 09837826  
01 FC:1453 1330.00 DA

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

March 18, 2004

Date

Telephone

Number: 248-223-9500

Signature

John S. Artz - 36,431

Typed or printed name

28333 Telegraph Road, Ste. 250

Address

Southfield, MI 48034

Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: See attached Fee Transmittal relative to fees.

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

March 18, 2004

Date

Signature

Jo Anne Croskey

Type or printed name of person signing certificate

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>7/6/04</u>		2 Serial/Patent # <u>09/837,826</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time			\$							
	Notice of Appeal/Appeal			\$							
<input checked="" type="checkbox"/>	Petition	10	3/22/04	\$ 1330.00							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
		7 TOTAL AMOUNT OF REFUND		\$ 1330.00							
		8 TO BE REFUNDED BY:									
		<input type="checkbox"/> Treasury Check									
		<input checked="" type="checkbox"/> Credit Deposit A/C #:									
		9 <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">5</td> <td style="width: 20px; text-align: center;">0</td> <td style="width: 20px; text-align: center;">--</td> <td style="width: 20px; text-align: center;">0</td> <td style="width: 20px; text-align: center;">4</td> <td style="width: 20px; text-align: center;">7</td> <td style="width: 20px; text-align: center;">6</td> </tr> </table>			5	0	--	0	4	7	6
5	0	--	0	4	7	6					
10 REASON:											
	Overpayment										
<input checked="" type="checkbox"/>	Duplicate Payment										
	No Fee Due (Explanation):										
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Paul Shanowski</u>		TITLE: <u>Attorney</u>									
SIGNATURE: <u>Paul Shanowski</u>		PHONE: <u>305-0011</u>									
OFFICE: <u>of Petitions</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u>[Signature]</u>		DATE: <u>7/7/04</u>									

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance  
Refund Branch  
Crystal Park One, Room 802B

**EXHIBIT A**

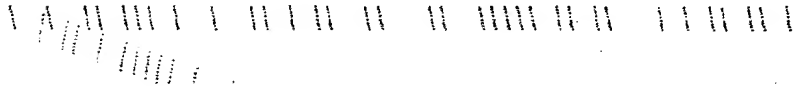
The "Received" Stamp of the Patent & Trademark Office imprinted hereon acknowledges the filing of \_\_\_\_\_

DESCRIPTION Petition fee \$640  
OF PAPER: \_\_\_\_\_

NAME OF APPLICANT: Morrow, et al.

INTF. OR SERIAL NO: 09/837,826

11-14-2002 JSA/jac WLI 1012 PUS  
DATE: \_\_\_\_\_ ATTY: \_\_\_\_\_



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)  
WLI 1012 PUS

First named inventor: Morrow, et al.

Group Art Unit: 3711

Application Number: 09/837,826

Examiner:

Filed: April 18, 2001

Title: LACROSSE GOALIE STICK HEAD

**RECEIVED**

**MAR 24 2004**

**OFFICE OF PETITIONS**

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

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Information at (703) 305-9282.

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**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

**1. Petition fee**

☒ small entity - fee \$640.00 (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.

☐ other than small entity - fee \$\_\_\_\_\_ (37 CFR 1.17(l)).

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in

the form of \_\_\_\_\_ (identify the type of reply):

☐ has been filed previously on \_\_\_\_\_

☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

☐ has been paid previously on \_\_\_\_\_

☐ is enclosed herewith.

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

**3. Terminal disclaimer with disclaimer fee**

☒

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity of \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

11-14-2002

Date

Telephone

Number: (248) 223-9500



Signature

John S. Artz - 36,431

Typed or printed name

28333 Telegraph Road, Ste. 250

Address

Southfield, MI 48034

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☐ \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

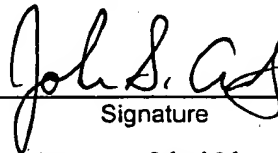
I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

11-14-2002

Date



Signature

John S. Artz - 36,431

Typed or printed name of person signing certificate

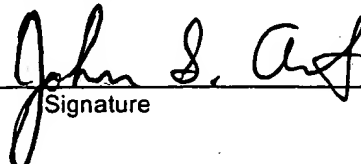
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

11-14-2002

Date



Signature

John S. Artz - 36,431

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

The Notice To File Missing Parts Of Nonprovisional Application dated May 15, 2002, was received in our office on September 30, 2002. It was inadvertently misplaced and a proper reply was not provided to the Patent Office within a timely manner. We, therefore, respectfully request revival of the abandoned patent application.

*(Please attach additional sheets if additional space is necessary)*



## **EXHIBIT B**



UNITED STATES PATENT AND TRADEMARK OFFICE

APR - 7 2003

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

John S. Artz  
Ste. 250  
28333 Telegraph Road  
Southfield MI 48304

Paper No. 7

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APR 02 2003

MAR 24 2004

OFFICE OF PETITIONS  
OFFICE OF PETITIONS

DECISION ON PETITION

In re Application of :  
David Morrow, Jessie Hubbard, and Salvatore :  
Locascio :  
Application No. 09/837,826 :  
Filed: April 18, 2001 :  
Attorney Docket No.: WLI 1012 PUS :  
Title: LACROSSE GOALIE STICK HEAD :

This is a decision on the petition under 37 CFR 1.137(a)<sup>1</sup>, filed November 22, 2002, to revive the above-identified application. On January 27, 2003, the petitioner filed a petition under 37 CFR 1.137(b)<sup>2</sup> via facsimile transmission.

The facsimile transmission sheet requested that the petition under the unintentional standard be filed "in lieu of" the previously filed petition filed under the unavoidable standard. As such, the petition under 37 CFR 1.137(a) has been **DISMISSED AS MOOT**. The petition fee has not been charged to petitioner's Deposit Account.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed May 15, 2002, which required the applicant to file an

1 A grantable petition pursuant to 37 CFR 1.137(a) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(l);
- (3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

2 A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

Application No. 09/837,826

executed oath or declaration, along with the fee associated with the late filing of an oath of declaration. The notice set a shortened statutory period for reply of two (2) months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on July 16, 2002.

With the instant petition, petitioner has included the petition fee<sup>3</sup>, and has made the proper statement of unintentional delay. A statement of facts from the attorney of record was included with the previous petition.

The later petition lacks item (1) above.

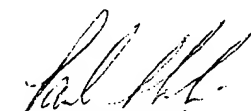
Regarding the first requirement, the requirement has not been satisfied because Petitioner did not submit the required reply to the notice. The required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed<sup>4</sup>. In order for the application to be revived, petitioner must submit a reply which satisfies 37 C.F.R. §1.137(a)(1). The Notice indicated that the application had been filed without an executed oath or declaration, and indicated that one would need to be supplied, along with the required surcharge of \$65.00 for the late filing fee of an oath or declaration for a small entity. The petition was not accompanied by either of these requirements. Although the petition indicates that these were previously filed on November 14, 2002, neither of these requirements have been found after the completion of a review of the Patent Application Location Monitoring system and a search of the official file.

Therefore, this petition under 37 C.F.R. §1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

**The application file will be retained in the Office of Petitions for two (2) months.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (703) 305-0011.



Paul Shanoski

Attorney

Office of Petitions

United States Patent and Trademark Office

<sup>3</sup> Petitioner has included the wrong amount for the petition fee. The deficient \$10 has been charged to his deposit account, as authorized in the Fee Transmittal sheet included upon filing.

<sup>4</sup> See M.P.E.P. 711.03(c).

## **EXHIBIT C**

MODE = MEMORY TRANSMISSION

START=JAN-27 15:49

END=JAN-27 15:56

FILE NO. = 162

STN NO.	COM	ABBR NO.	STATION NAME/TEL.NO.	PAGES	DURATION
001	OK	a	17033086916	003/003	00:01'01"

-ARTZ & ARTZ P.C. -

\*\*\*\*\* -

- \*\*\*\*\* -

248 223 9522- \*\*\*\*\*

**ARTZ & ARTZ P.C.**  
**Law Offices**

*Intellectual Property and Technology Related Causes*

**FACSIMILE TRANSMITTAL SHEET**

**RECEIVED**

**Fax: (248) 223-9522**

**Phone: (248) 223-9500**

**MAR 24 2004**

**OFFICE OF PETITIONS**

**To: Paul Shanowski, Esq.**

**Company: USPTO**

**Fax No.: 703-308-6916**

**From: John S. Artz**

**Date: January 27, 2003**

**Your File No.:**

**Our Ref. No.: WLI 1012 PUS**

**Comments:** Please find attached the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) in lieu of the 37 CFR 1.137(a) previously filed on November 14, 2002, Serial No. 09/837,826. Thank you.

**Total Pages (incl. Cover sheet)** 3

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If there are any problems during transmission, please call:  
(248) 223-9500.

Jo Anne Croskey  
(Operator)

**ARTZ & ARTZ P.C.**  
**Law Offices**

*Intellectual Property and Technology Related Causes*

**FACSIMILE TRANSMITTAL SHEET**

**Fax: (248) 223-9522**  
**Phone: (248) 223-9500**

**To: Paul Shanowski, Esq.**

**Company: USPTO**

**Fax No.: 703-308-6916**

===== **RECEIVED** =====

**From: John S. Artz**

**MAR 24 2004**

**Date: January 27, 2003**

**OFFICE OF PETITIONS**

**Your File No.:**

**Our Ref. No.: WLI 1012 PUS**

**Comments:** Please find attached the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) in lieu of the 37 CFR 1.137(a) previously filed on November 14, 2002, Serial No. 09/837,826. Thank you.

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*If there are any problems during transmission, please call:*  
**(248) 223-9500.**

Jo Anne Croskey  
**(Operator)**

28333 TELEGRAPH ROAD, SUITE 250, SOUTHFIELD, MICHIGAN 48034  
TELEPHONE: (248) 223-9500 -- FACSIMILE: (248) 223-9522

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

WLI 1012 PUS

First named inventor: Morrow, et al.

Application No.: 09/837,826

Art Unit: 3711

Filed: April 18, 2001

Examiner:

Title: LACROSSE GOALIE STICK HEAD

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

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- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications  
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- (4) Statement that the entire delay was unintentional.

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the form of \_\_\_\_\_

(identify type of reply):

☒ has been filed previously on 11-14-2002☐ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

☐ has been paid previously on \_\_\_\_\_☐ is enclosed herewith.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### 3. Terminal disclaimer with disclaimer fee

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4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

1/27/03  
Date

Telephone  
Number: (248) 223-9500

John S. Artz  
Signature

John S. Artz - 36,431

Typed or printed name

28333 Telegraph Road, Ste. 250

Address

Southfield, MI 48034

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

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☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916. (Attn: Paul Shanoski)

1-27-2003

Date

Jo Anne Croskey  
Signature

Jo Anne Croskey

Type or printed name of person signing certificate



## **EXHIBIT D**

MODE = MEMORY TRANSMISSION

START=APR-17 16:32

END=APR-17 16:36

FILE NO.= 022

STN NO. COM ABBR NO. STATION NAME/TEL.NO. PAGES DURATION

001 OK 17033086916 013/013 00:03'42"

-ARTZ & ARTZ P.C. -

\*\*\*\*\*

- \*\*\*\*\*

248 223 9522- \*\*\*\*\*

**ARTZ & ARTZ P.C.**  
**Law Offices**

*Intellectual Property and Technology Related Causes*

**FACSIMILE TRANSMITTAL SHEET**

**Fax: (248) 223-9522**

**Phone: (248) 223-9500**

**RECEIVED**

**MAR 24 2004**

**OFFICE OF PETITIONS**

**To:** Paul Shanoski, Esq.  
**Company:** USPTO - Office of Petitions  
**Fax No.:** 703-308-6916

=====

**From:** John S. Artz  
**Date:** April 17, 2003

**Your File No.:**

**Our Ref. No.:** WLI 1012 PUS

**Comments:** Please see attached relative to the Renewed  
Petition for Revival of an Application for Patent  
Abandoned Unintentionally Under 37 CFR 1.137(b),  
Serial No. 09/837,826. Thank you

**Total Pages (incl. Cover sheet)** 13

The information contained in this facsimile message may be confidential and/or legally privileged information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any copying, dissemination or distribution of confidential or privileged information is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and we will arrange for the return of the facsimile. Thank you.

If there are any problems during transmission, please call:  
(248) 223-9500.

Jo Anne Croskey  
(Operator)

**ARTZ & ARTZ P.C.**  
**Law Offices**

*Intellectual Property and Technology Related Causes*

**FACSIMILE TRANSMITTAL SHEET**

**Fax: (248) 223-9522**

**Phone: (248) 223-9500**

**To: Paul Shanoski, Esq.**  
**Company: USPTO - Office of Petitions**  
**Fax No.: 703-308-6916**

**RECEIVED**

**MAR 24 2004**

**OFFICE OF PETITIONS**

=====  
**From: John S. Artz**

**Date: April 17, 2003**

**Your File No.:**

**Our Ref. No.: WLI 1012 PUS**

**Comments: Please see attached relative to the Renewed  
Petition for Revival of an Application for Patent  
Abandoned Unintentionally Under 37 CFR 1.137(b),  
Serial No. 09/837,826. Thank you**

**Total Pages (incl. Cover sheet)** 13

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*If there are any problems during transmission, please call:  
(248) 223-9500.*

Jo Anne Croskey  
(Operator)

28333 TELEGRAPH ROAD, SUITE 250, SOUTHFIELD, MICHIGAN 48034  
TELEPHONE: (248) 223-9500 -- FACSIMILE: (248) 223-9522

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David Morrow, et al.

Serial No.: 09/837,826

Group Art Unit: 3711

Filed: April 18, 2001

For: LACROSSE GOALIE STICK HEAD

**RECEIVED**

Atty. Docket No.: WLI 1012 PUS

MAR 24 2004

I hereby certify that this paper is being transmitted via facsimile (703-308-6916) to the Office of Petitions, Washington, D.C. on:

April 17, 2003  
Date of Deposit

Jo Anne Croskey

  
Signature

RENEWED PETITION UNDER 37 CFR 1.137(b)

Office of Petitions  
Assistant Commissioner for Patents  
BOX DAC  
Washington, DC 20231

Dear Sir:

Pursuant to the telephone conversation with Attorney Paul Shanoski on April 15, 2002, regarding the Decision on Petition mailed April 2, 2003, relative to the Petition for Revival filed on January 27, 2003, via facsimile, under 37 CFR 1.137(b) in lieu of the 37 CFR 1.137(a) filed on November 14, 2002, please find attached the following items in order that the Petition for Revival may be granted:

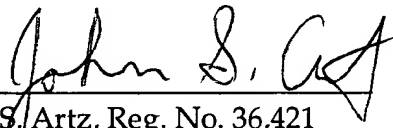
Notice of Missing Parts containing the Executed Declaration and fee of \$65.00; and

Renewed Petition for Revival of An Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) and fee of \$650.00

The Commissioner is hereby authorized to charge fees associated with this communication, or credit any overpayment to Deposit Account No. 50-0476.

Respectfully Submitted,

ARTZ & ARTZ P.C.



---

John S. Artz, Reg. No. 36,421  
28333 Telegraph Rd., Ste. 250  
Southfield, MI 48034  
Phone: (248) 223-9500  
Fax: (248) 223-9522

April 17, 2003

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 715.00)

## Complete if Known

Application Number 09/837,826  
 Filing Date April 18, 2001  
 First Named Inventor David Morrow, et al.  
 Examiner Name  
 Art Unit 3711  
 Attorney Docket No. WLI 1012 PUS

RECEIVED

MAR 24 2004

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:
 Deposit  
Account  
Number  
  
 Deposit  
Account  
Name

50-0476

John A. Artz

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	65.00
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	650.00
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 715.00)

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)

John S. Artz

Registration No.  
(Attorney/Agent)

34,431

Telephone 248-223-9500

Signature

John S. Artz

Date

April 17, 2003

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

WLI 1012 PUS

First named inventor: DAVID MORROW, ET AL.

Application No.: 09/837,826

Art Unit: 3711

Filed: April 18, 2001

Examiner:

Title: LACROSSE GOALIE STICK HEAD

**RECEIVED****MAR 24 2004****OFFICE OF PETITIONS**Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☒ Small entity-fee \$ 650 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m)).

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of \_\_\_\_\_ (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

April 17, 2003

Date

Telephone  
Number: (748) 223-9500

Signature

John S. Artz - 36,431

Typed or printed name

28333 Telegraph Road, Ste. 250

Address

Southfield, MI 48034

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: See attached Fee Transmittal relative to fees.

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916. (Attn: Paul Shanowski)

April 17, 2003

Date

Signature

Jo Anne Croskey

Type or printed name of person signing certificate



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): David Morrow, et al.

Serial Number: 09/837,826

Group Art Unit: 3711

Filed: April 18, 2001

Title: LACROSSE GOALIE STICK HEAD

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION**

**RECEIVED**

MAR 24 2004

**OFFICE OF PETITIONS**

Box Missing Parts  
Assistant Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

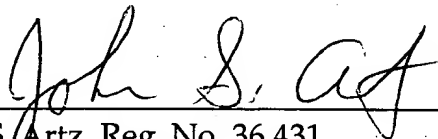
In response to the Notice To File Missing Parts Of Nonprovisional Application dated May 15, 2002, Applicants are submitting herewith the required Declaration under 37 CFR 1.63.

Also enclosed is a copy of the Notice to File Missing Parts of Nonprovisional Application.

The Commissioner is hereby authorized to charge the fee of \$65.00 for late oath or declaration surcharge to Deposit Account No. 50-0476 in the name of Artz & Artz P.C.

Respectfully submitted,

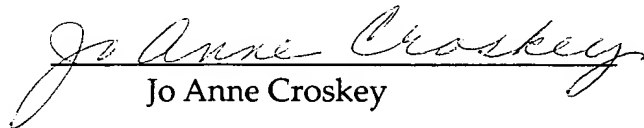
ARTZ & ARTZ, P.C.

A handwritten signature in cursive script, reading "John S. Artz", is written over a horizontal line.

John S. Artz, Reg. No. 36,431  
28333 Telegraph Road, Ste. 250  
Southfield, MI 48034  
(248) 223-9500

**CERTIFICATE OF MAILING**

I hereby certify that the attached Response to Notice to Filing Missing Parts of Nonprovisional Application in the United States is being transmitted via facsimile (703-308-6916) to Attorney Paul Shanoski with the United States Patent and Trademark Office, Office of Petitions, Washington, D.C., on this 17th day of April 2003.

  
Jo Anne Croskey

**RECEIVED**

MAR 24 2004

**OFFICE OF PETITIONS**

Please type a plus sign (+) inside this box → ☐

PTO/SB/01 (10-00)  
Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)</b>  <input type="checkbox"/> Declaration Submitted with Initial Filing      OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)	<b>Attorney Docket Number</b>	WLI 1012 PUS
	<b>First Named Inventor</b>	Morrow, et al
	<b>COMPLETE IF KNOWN</b>	
	<b>Application Number</b>	09 / 837,826
	<b>Filing Date</b>	April 18, 2001
	<b>Group Art Unit</b>	
	<b>Examiner Name</b>	

RECEIVED

MAR 24 2004

OFFICE OF PETITIONS

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if multiple names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

LACROSSE GOALIE STICK HEAD

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY)

April 18, 2001

as United States Application Number or PCT International

(if applicable).

Application Number

09/837.826

and was amended on (MM/DD/YYYY)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.
60/197,720	April 18, 2000	

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box → ☐

PTO/SB/01 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## DECLARATION — Utility or Design Patent Application

Direct all correspondence to:

☐ Customer Number  
or Bar Code Label

OR ☒

Correspondence address below

John S. Artz

Name

Artz & Artz, P.C.

Address

28333 Telegraph Road, Ste. 250

Address

City Southfield

State MI

ZIP 48034

Country

Telephone 248-223-9500

Fax 248-223-9522

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR :

☐ A petition has been filed for this unsigned inventor

Given Name

David

(first and middle [if any])

Family Name Morrow  
or Surname

Inventor's  
Signature

Date

5/3/01

Residence: City Farmington Hills

State MI

U.S.  
Country

Citizenship U.S.

Mailing Address 28454 Wellington

Mailing Address

City Farmington Hills

State MI

ZIP 48334

Country U.S.

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name

Jesse

(first and middle [if any])

Family Name Hubbard  
or Surname

Inventor's  
Signature

Date

5/3/01

Residence: City Troy

State MI

U.S.  
Country

Citizenship U.S.

Mailing Address 2718 Sommerset Blvd., #201

Mailing Address

City Troy

State MI

ZIP 48084

Country U.S.

☒ Additional inventors are being named on the \_\_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

Please type a plus sign (+) inside this box → ☐

PTO/SB/02A (11-00)  
Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## DECLARATION

ADDITIONAL INVENTOR(S)  
Supplemental Sheet  
Page 3 of 3

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Salvatore		LoCascio	
Inventor's Signature <i>Salvatore LoCascio</i>		Date <i>5/15/01</i>	
Residence: City Bayport	State NY	Country U.S.	Citizenship U.S.
Mailing Address 70 S. Gillette Ave.			
Mailing Address			
City Bayport	State NY	ZIP 11705	Country U.S.
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	ZIP	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	ZIP	Country

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

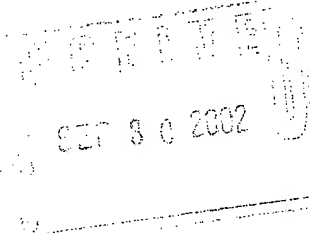


## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/837,826	04/18/2001	David Morrow	WLI 1012 PUS

John S. Artz  
Ste. 250  
28333 Telegraph Road  
Southfield, MI 48304



CONFIRMATION NO. 9648

## FORMALITIES LETTER



\*OC000000008116856\*

Date Mailed: 05/15/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***RECEIVED**

MAR 24 2004

Items Required To Avoid Abandonment:**OFFICE OF PETITIONS**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

*A copy of this notice **MUST** be returned with the reply.*